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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,835	04/26/2000	Richard M. Barth	RA019C3DR	3026

27846 7590 05/23/2003

RAMBUS INC.
4440 EL CAMINO REAL
LOS ALTOS, CA 94022

EXAMINER

NGUYEN, HIEP T

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/559,835

Applicant(s)

BARTH, ET AL.

Examiner

Hiep T Nguyen

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 12-41 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2187

DETAILED ACTION

1. This office action is a response to the communication filed 12/09/02. Claims 1-41 are pending in the application.
2. The indicated allowability of claims 12-41 in the previous office action is withdrawn in view of the newly discovered issue. This office action is made non-final.
3. Claim 3 is objected to because of the following minor informality: in line 9, "a" in front of "at least" should be deleted.
4. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error, which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. While the Declaration states that "... because we claimed less than we had a right to claim in the patent" and goes on to state that "we believe that it was error **not to include claims** directed to a method of operation within the memory device and this error unduly narrow the coverage of the original patent." However, this general statement is not an acceptable statement of an error. The MPEP § 1414 (II) clearly require that a reissue applicant must acknowledge the existence of an error in the specification, drawings, or claims, which error cause the original patent to be defective. The oath/declaration must specifically identify an error. Any error in the claims must be identified by reference to the specific claim(s) and the specific claim language wherein lies the error.
5. The form PTO-1449 filed August 6, 2001 is missing from the file. It will be appreciative if applicant would kindly forward another copy to the file.
6. Drawings filed 4/26/00 is objected since the drawings is not complied with requirements of 37 C.F.R. 1.173(a)(2). See also MPEP 1413. Applicant must submit a clean copy of each drawing sheet of the printed patent at the time the reissue application is filed. That is no marking on top and/or bottom such as:

"U.S. Patent Jun. 9, 1998 Sheet 1 of 7 5,765,020".
7. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, drawn to transferring address data, classified in class 710, subclass 4.

Art Unit: 2187

- II. Claims 12-41, drawn to receiving a memory request at a memory device and/or controlling the memory device using received memory request, classified in class 711, subclass 105.

8. The inventions are distinct, each from the other because of the following reasons:

Inventions I (claims 1-11) and II (claims 12-41) are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a method of transferring a packet of data by transmitting start information, memory address bits, and op code information in claims 1-11 is patentable regardless of whether or not the first op code portion has to be transmitted or received during the first clock cycle of an external clock signal or the second op code portion must successively transmitted or received after transmitting or receiving of the first op code portion or the address bits does not have to be row and column address bits or the op codes portions are not necessarily need to be use in accessing a memory location using the row and column address bits. The subcombination has separate utility such as a method for accessing a memory location without the requirement of the op code portions and the address bits have to be transferred on a particular bus lines or as particular words in a packet as required in claims 1-11.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

9. Newly submitted claims 12-41 directed to an invention that is independent or distinct from the invention originally claimed for the above-mentioned reasons.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits.

Art Unit: 2187

Accordingly, claims 12-41 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Allowable Subject Matter

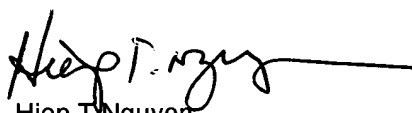
10. Claims 1-11 are allowed over the prior art of record.

11. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I (claims 1-11) is not required for Group II (claims 12-41), restriction for examination purposes as indicated is proper.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep T Nguyen whose telephone number is (703) 305-3822. The examiner can normally be reached on Monday-Friday from 9:30 a.m. to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (703) 308-6376. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Hiep T Nguyen
Primary Examiner
Art Unit 2187

HTN
May 21, 2003